

July 23, 2009

Mary D. Nichols
Chairman
California Air Resources Board
1001 I St.
P.O. Box 2815
Sacramento, CA 95812

Comments
California Air Resources Board Air Toxic Control Measure for
In-Use Off Road Diesel Equipment

Dear Chairman Nichols:

Lehigh Hanson, an integrated producer and marketer of cement, aggregate, and concrete in California, is providing these comments in response to CARB's proposed changes to the In-Use Off Road Diesel regulation at the July 23, 2009 Board Hearing. In the course of its business, Lehigh Hanson operates over 470 pieces of equipment in California subject to this rule, representing over 147,000 horsepower. Lehigh Hanson appreciates the initiatives the Board has considered to adjust the implementation of this measure to correspond with the drastic economic downturn the State's construction industry is currently facing.

Lehigh Hanson has two comments concerning the implementation of the ATCM in 2009 and later.

Lack of Suitable Verified VDECs For The September 1, 2009 Double-Credit Deadline

Lehigh Hanson is actively planning to comply with the Particulate Matter (PM) requirements for the March 1, 2010 Compliance Date and is trying to utilize the Double-Credit incentive available. This requires PM Filters (VDECs) to be purchased by September 1, 2009 and then be installed by January 1, 2010. However, for the equipment type and horsepower ranges we have in our fleet that are VDECs Candidates, there are no suitable VDECs available that are verified by CARB. Lehigh Hanson is trying to apply VDECs to newer Tier 2 and 3 engines in the 300 to 600 horsepower range but cannot find suitable Verified VDECs. The one Verified Manufacturer that is available, Huss, has had very poor performance and has caused significant engine downtime with installations to date on equipment similar to ours.

At this late date, CARB could not accelerate the pace of its verifications to allow adequate time to negotiate purchases by the September 1 deadline. Consequently, Lehigh Hanson requests *that the Double Credit purchase deadline be extended to December 31, 2009* and the VDECs installation deadline be extended to March 1, 2010.

Lack Of Suitable and Safe VDECs Available For High Horsepower Engines

Lehigh Hanson, like other cement and aggregate mining and handling companies, routinely utilizes equipment over 600 horsepower. Currently, there are no Verified VDECs to fit this equipment size. Some engine configurations would require multiple filters to be installed which can lead to installation problems, driver visibility impairment, and excessive generated heat that can affect the driver compartment.

Lehigh Hanson is aware that it may be able to request an extension of compliance dates for this equipment and may choose to do so if necessary. However, this situation exemplifies the lack of suitable Verified VDECs available to maintain compliance with this ATCM.

Thank you for your consideration of Lehigh Hanson's comments.

A handwritten signature in blue ink on a light yellow background. The signature reads "Gregory A. Knapp" in a cursive script.

Gregory A. Knapp
Director ESH West Region